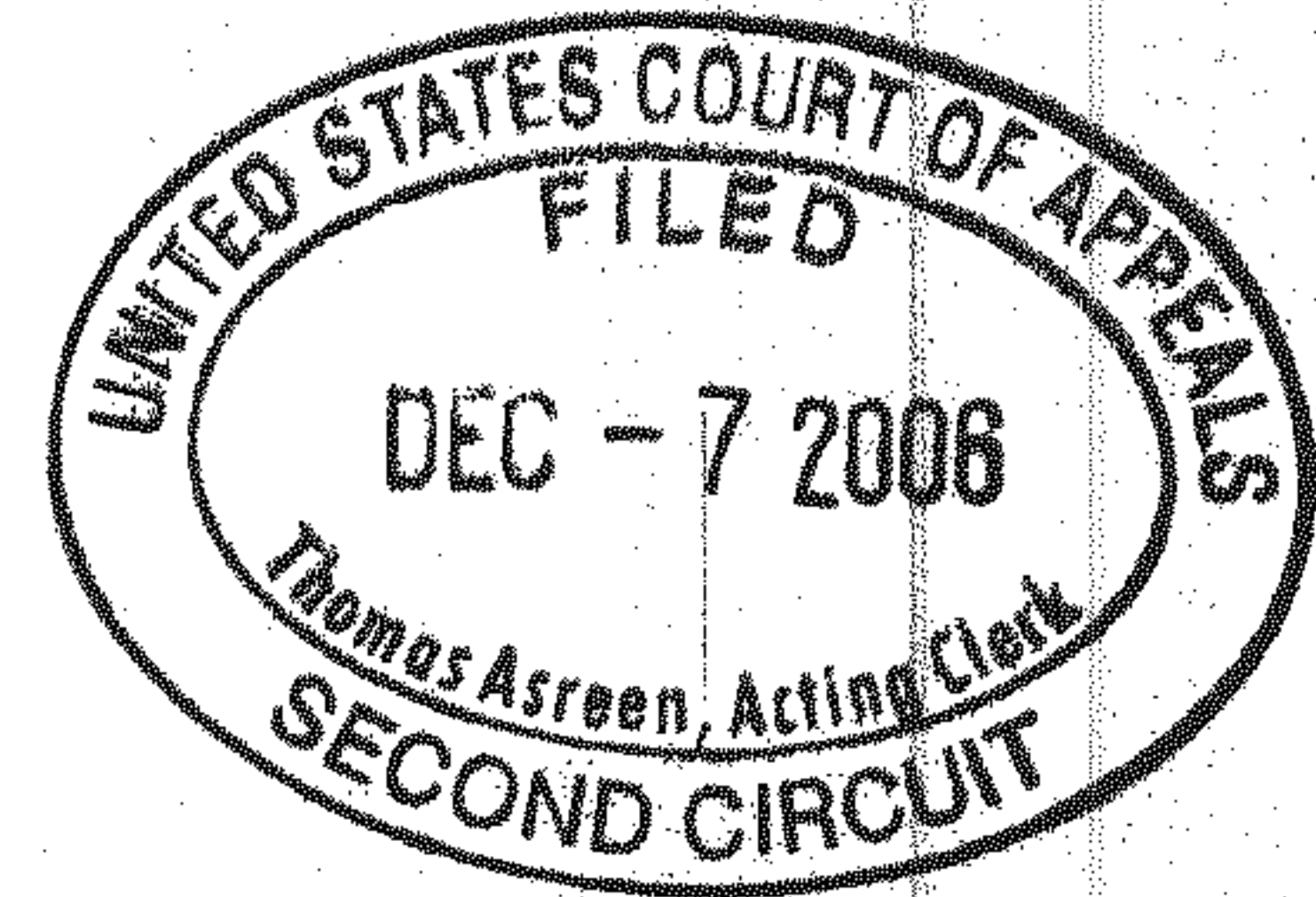


MAINTENANCE

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

Thomas Asreen
ACTING CLERK



Date: 12/7/06
Docket Number: 06-4834-cv
Short Title: Bartang Bank and Trust CO. v. Percy
DC Docket Number: 04-cv-2402
DC: SDNY (NEW YORK CITY)
DC Judge: Honorable Deborah Batts

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7th day of December, two thousand and six.

Bartang Bank and Trust Co., Avenil Ltd. and Timbre Investment Holdings Ltd.,

Plaintiffs-Appellants,

v.

Kirill Percy, Lenard Percy, Josephine Percy, Benny Caiola, Jack Rosenthal, Edward Mermelstein, Gary Cohen, Schiseel & Cohen, C.P.A. and Progressive Real Estate L.L.C.,

Defendants-Appellees.

The Civil Appeals Management Plan of this court directs that within the (10) days after filing a Notice of Appeal, the appellant shall file and serve a Pre-Argument Statement (FORM C), order a transcript of the proceedings from the court reporter and file and serve a statement concerning same (FORM D), pay docketing fee, and that in the event of default of any of these requirements the Clerk may dismiss the appeal without further notice.

The appellant herein not having so proceeded, upon consideration thereof it is ORDERED that the appeal from the order of 09/19/2006 United States Court for the Southern District be, and it hereby is DISMISSED. Any motions pending prior to the entry of this order of dismissal are deemed MOOT.

A TRUE COPY
Thomas Asreen, Acting Clerk

by

Dora Thigpen
Deputy Clerk

For the Court,
Thomas Asreen, Acting Clerk

Dora Thigpen
By: Dora Thigpen
Deputy Clerk

CERTIFIED:

12/07/06